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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PXWO00477/03	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES2003/000441	International filing date (day/month/year) 29 August 2003 (29.08.2003)	Priority date (day/month/year) 30 August 2002 (30.08.2002)
International Patent Classification (IPC) or national classification and IPC B63H 1/16, 1/26, B64C 11/18		
Applicant ROMERO VAZQUEZ, Juan, José		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of _____ sheets, including this cover sheet.	
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).	
These annexes consist of a total of _____ sheets.	
3. This report contains indications relating to the following items:	
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input checked="" type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 29 March 2004 (29.03.2004)	Date of completion of this report 08 November 2004 (08.11.2004)
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000441

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-17, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages 18-20, filed with the demand
 pages _____, filed with the letter of 29 March 2004 (29.03.2004)
- ☒ the drawings:
 pages 1/5-5/5, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES2003/000441

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-8

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES 03/00441

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

Lack of unity of invention

In the opinion of the author of this report, the structure of the claims submitted on 29 March 2004 fails to meet the unity of invention requirements of PCT Rule 13.1.

Claims 9 to 16 describe propulsion systems characterized in that they comprise at least one propeller according to any one of claims 1 to 8; on the other hand, claims 17 to 20 describe ships equipped with the propulsion systems proposed in claims 9 to 16. It does not appear to be very logical for protection to be sought for a propulsion system as described in claims 9 to 16 or for a ship as claimed in claims 17 to 20 when the invention concerns a propeller. The examiner considers that claims 9 to 16 should be drafted as relating to a propeller according to any of the features of claims 1 to 8, characterized in that it is used in propulsion systems which in turn display other features; the same applies to claims 17 to 20. The manner in which the claims are currently drafted does not appear to comply with PCT Rules 6.3 and 6.4 and, therefore, they fail to comply with the requirements for a general inventive concept pursuant to PCT Rule 13.1. This requirement is confirmed by an analysis of paragraph 5.19 of the International Search and Examination Guidelines for PCT applications, published by WIPO.

In spite of the way in which claims 9 to 16 and 17 to 20 - apparently dependent on claims 1 to 8 - are drafted and in light of above-mentioned paragraph 5.19, claims 9 to

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ES 03/00441

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

16 and 17 to 20 constitute a group of claims separate from claims 1 to 8, and, moreover, claims 1 to 8, 9 to 16 and 17 to 20 do not form a general inventive concept (PCT Rule 13.1).

Therefore the international application contains three inventions:

- a propeller having the features described in claims 1 to 8;
- a propulsion system having the features described in claims 9 to 16;
- a ship having the features described in claims 17 to 20.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/ES 03/00441

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

The set of new claims submitted on 29 March 2004 contains a "new" claim 1, consisting of a more detailed preamble containing another technical feature from the characterizing part, more specifically the fact that the area of the blade is equal to the area of a blade perpendicular to the axis of rotation, divided by the sine of the angle α . Although it is a parameter, this feature is not considered prior art, such that the novelty of the claim 1 submitted on 29 March 2004 can be considered established.

Since they are dependent on claim 1, claims 2 to 8 can also be considered novel and inventive.

Therefore the invention according to the claims 1 to 8 submitted on 29 March 2004 is novel, involves an inventive step and has industrial applicability.